

## Morris Cohen and the Art of Book Collecting\*

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*Mr. Widener asserts that Morris Cohen was an artist, that book collecting was his art, and that his masterpiece is the Juvenile Jurisprudence Collection, a collection of law-related children's books that Cohen donated to the Yale Law Library in 2008. He argues that libraries and individual collectors should emulate this style of collecting, and that the art of collecting is important to law libraries and legal studies.*

¶1 Morris Cohen's eulogists have rightly called him one of the great law librarians of the twentieth century. They have not used the term *artist* to describe him. I will. Morris Cohen was an artist, and book collecting was his art. His masterpiece is the Juvenile Jurisprudence Collection, which he donated to the Yale Law Library in 2008.

¶2 I describe below his masterpiece and explain why I consider it a work of art. However, my real goal is to hold up the Juvenile Jurisprudence Collection as an example for other collectors to emulate, whether they be libraries or individuals, and to argue why the art of collecting is important to law libraries and legal studies.

¶3 Morris began building a collection of law-related children's books in 1960, as a hobby he could share with his six-year-old son Dan. Almost fifty years later, when he donated the Juvenile Jurisprudence Collection to the Yale Law Library, it had grown to two hundred volumes. At the time of the gift, Morris said, "It is my hope that students here can study this unique collection and see how our law was, and still is, being disseminated and forming an important part of our children's civic education."<sup>1</sup>

¶4 To my knowledge, there is no other collection like this one in existence. When you look at the list of titles in the collection, you can't fail to be amazed and delighted at the range of material.<sup>2</sup> There are early school textbooks, such as Justice

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1. Press Release, Yale Law School, Morris Cohen Donates Children's Law Book Collection to Law Library (Apr. 1, 2009), <http://www.law.yale.edu/news/9444.htm>.

2. A complete list of Morris Cohen's collection, *Juvenile Jurisprudence: A Collection of Law-Related Children's Books*, can be found at [http://www.law.yale.edu/documents/pdf/News\\_&\\_Events/CohenChildrenBookList.pdf](http://www.law.yale.edu/documents/pdf/News_&_Events/CohenChildrenBookList.pdf). For an illustrated overview of law-related children's books, see the catalog of the 2003 exhibition that Morris Cohen curated at Yale's Beinecke Rare Book and Manuscript Library, which includes Cohen's lecture, "Who Killed Cock Robin? Law & Crime in Children's Literature." JUVENILE JURISPRUDENCE: LAW IN CHILDREN'S LITERATURE (2003).

Joseph Story's *The Constitutional Class Book*.<sup>3</sup> There are moralizing works like *Juvenile Trials for Robbing Orchards, Telling Fibs, and Other Heinous Offences*<sup>4</sup> (described by Morris as "a charming exposition of self-government in the schoolroom"<sup>5</sup>). Some of the books are purely for entertainment, such as *The Quarrel and Lawsuit Between Cock Robin and Jenny Wren*<sup>6</sup> or an account of the trial of Lizzie Borden.<sup>7</sup> There are judicial biographies such as *A Picture Book of Thurgood Marshall*.<sup>8</sup> A number of the items are legal guides written specifically for children, designed to teach young readers about their rights and roles in the legal system, such as a 1979 guide to family court.<sup>9</sup> Morris did not include treatises on law relating to children that were written for adults or the legal profession; all the titles in the collection are written for children.

¶5 So, should we consider the Juvenile Jurisprudence Collection a work of art?

¶6 Yes, we should, with the sanction of the English rare book dealer and bibliographer Colin Franklin. His provocative and contrarian essay, *Book Collecting as One of the Fine Arts*,<sup>10</sup> argued for new paths in book collecting. Bemoaning "the madhouse of obsession," particularly as regards the perceived value of dust jackets, Franklin wrote that "for a start we could try to distinguish rarity from merit, and perfection from interest."<sup>11</sup> He comes down strongly on the side of merit and interest. "I wish to advocate imperfection," he wrote. "Thus gates to delight might be unlocked, we could all scatter among the immense possibilities of books to experience them by choosing, holding and owning."<sup>12</sup> This describes Morris's collection and his approach to collecting. Although many of Morris's law-related children's books could be classified as antiquarian or rare, many others are new or relatively easy to find. The condition of many of them isn't pristine, either; they are children's books, after all, and children can be rough on books. It is the company they kept in their previous lives and the company they keep today that make them special and interesting.

¶7 Franklin's "golden rule" of book collecting, "listen to the book, not to the bibliographers,"<sup>13</sup> certainly held true for Morris and Dan in seeking out children's books with legal connections. They had no list to follow; they were completely on their own. Theirs was the thrill of the hunt. It was a work of imagination, of discernment, commitment, risk taking. I seriously doubt whether they had any idea

3. JOSEPH STORY, *THE CONSTITUTIONAL CLASS BOOK* (Boston, Hilliard, Gray 1834).

4. R. JOHNSON, *JUVENILE TRIALS FOR ROBBING ORCHARDS, TELLING FIBS, AND OTHER HEINOUS OFFENCES* (3d ed., London, T. Carnan 1776).

5. COLLECTORS ON COLLECTING at [10] (2002), available at [http://www.bc.edu/content/dam/files/schools/law\\_sites/library/pdf/RBR\\_items/pdf/ExhibitCatalogCollectorsCollecting.pdf](http://www.bc.edu/content/dam/files/schools/law_sites/library/pdf/RBR_items/pdf/ExhibitCatalogCollectorsCollecting.pdf).

6. *THE QUARREL AND LAWSUIT BETWEEN COCK ROBIN AND JENNY WREN* (London, N. Carpenter, c. 1840).

7. JOAN AXELROD-CONTRADA, *THE LIZZIE BORDEN "AXE MURDER" TRIAL* (2000).

8. DAVID A. ADLER, *A PICTURE BOOK OF THURGOOD MARSHALL* (1997).

9. PATI MILES, *GOING TO FAMILY COURT* (1979).

10. COLIN FRANKLIN, *Book Collecting as One of the Fine Arts*, in *BOOK COLLECTING AS ONE OF THE FINE ARTS AND OTHER ESSAYS 1* (1996).

11. *Id.* at 4.

12. *Id.* at 5.

13. *Id.* at 7.

when they began of exactly where they were headed. Ultimately, it was a labor of love, as is all art.

¶8 Colin Franklin took his inspiration from Lord David Cecil's 1949 lecture at Oxford University, "Reading as One of the Fine Arts," which provides some useful definitions. "[T]he artist's first aim is not truth but delight," said Cecil. "Even when, like Spenser, he wishes to instruct, he seeks to do so by delighting."<sup>14</sup> In building the Juvenile Jurisprudence Collection, Morris most certainly set out to delight himself and his son. The collection's secondary purpose, of instructing, only became apparent much later. Morris began to see how the collection could illustrate the formation of popular conceptions of the law and justice through children's literature. I am reminded of Alan Watson's argument that "[n]utshells introduce beginners to law. As a result they determine forever the pattern and parameters of the lawyer's thought."<sup>15</sup>

¶9 Cecil goes on to describe the nature of a work of art: "This double impulse—to express the individual vision and to work in a particular medium—actuates every true artist. It is the union of the two that produces the phenomenon that we call a work of art."<sup>16</sup> The Juvenile Jurisprudence Collection is the product of Morris Cohen's individual vision, expressed in the medium of a book collection.

¶10 I must confess that I admire the Juvenile Jurisprudence Collection in part because it reflects my own quirks as a collection builder, and in part because Morris was kind enough to tolerate and even encourage my quirks. However, I also believe that the collection is a valuable model for other collectors, both institutional and individual.

¶11 First, I want to argue for *special* collections, not *rare* collections. The Juvenile Jurisprudence Collection is not, in the strict sense, a collection of *rare* books, but rather a collection of books that became *special* when gathered as a collection. The term *rare book* has overtones of elitism, exclusivity, preciousness. I want our patrons to use our collections, not admire them from afar. I'm uncomfortable with my own job title, *rare book librarian*, and that of the *rare book room* where I work, although I have yet to come up with better labels. The term *rare book* has the advantage of being generally understood, while the term *special collection* is rather vague.

¶12 *Rare* also implies *expensive*. Expensive books are not where the opportunities lie, either for individual collectors or for institutions, even institutions like mine. I doubt that Morris paid three-figure prices for the vast majority of the titles in his collection, even for many of the older titles.

¶13 One reason collections like the Juvenile Jurisprudence Collection are economically viable is that they take fresh new looks at familiar territory. Before Morris Cohen, it doesn't seem that anyone had given serious thought to mining children's literature for insights into law. I certainly didn't. Neither have many bookdealers who specialize in children's literature, but who have met my inquiries with blank stares. I suspect Morris encountered similar reactions. In fact, I suspect that collec-

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14. DAVID CECIL, *READING AS ONE OF THE FINE ARTS* 4 (1949).

15. Alan Watson, *The Importance of "Nutshells,"* 42 AM. J. COMP. L. 1, 18 (1994).

16. CECIL, *supra* note 14, at 5.

tors of children's books would consider many of the books in the Juvenile Jurisprudence Collection to be among the more dreary and uninteresting examples of the genre, with prices that reflect their unattractiveness. In most contexts, a civics textbook is just another boring civics textbook, no matter how old it is. In a collection like Morris's, it takes on a whole new aura.

¶14 In building his collection, Morris also avoided the typical bias of collecting only antiquarian examples. The collection he donated extends from the eighteenth to the twenty-first century. The majority of the titles we have since added to the collection are recent publications. Today's collectors would do well to follow this example.

¶15 Imaginative collecting is an especially attractive option, I believe, for academic law libraries. In this age of increasingly digital library collections, a special collection like the one Morris built is a way for the library to set itself apart from its peers. Such collections can inspire new scholarship, precisely by not following current fashions in research and teaching. Collections like the Juvenile Jurisprudence Collection reach across disciplinary and literary boundaries, encouraging cross-fertilization. As products of serendipity, they can in turn promote serendipity. If they do nothing more than inspire faculty and students to look at the old and familiar in new ways, they have performed a useful function.

¶16 There is another lesson to be learned from the Juvenile Jurisprudence Collection: the importance of sustained effort. Morris and his son Dan spent almost fifty years building this collection. Sustaining a collection-building project over a long period of time is admittedly not easy. Academic libraries, law and otherwise, are littered with collections that were abandoned in midstream when a professor or librarian departed, or lost interest, or lost their institution's support.

¶17 So many fertile, unplowed fields of legal literature still await the determined and enthusiastic collector, even traditional fields such as author collections. For example, a Boston College law student became an avid collector of the nineteenth-century legal author and Harvard law professor Simon Greenleaf, and he did not limit himself to Greenleaf's legal treatises but also collected Greenleaf's religious tracts and fiction.<sup>17</sup> Genres such as jury speeches and casebooks could also be worthwhile. I have a hunch that surprising things could be learned from a collection of little law books. Legal poetry is a field I've dabbled in, but a serious collector could do much better. Collecting legal ephemera is labor intensive, but the prices are low and the potential is vast, in terms of both supply and research value. Many collections can be started by taking a fresh look at what a library already owns. For the past five years I have been building a collection of law books with illustrations, but the majority of the collection is made up of volumes that the Yale Law Library acquired decades ago.

¶18 I seriously doubt that many law librarians have ever thought of themselves as artists, Morris Cohen included. But he had fun and made life fun for others, and there is an art to that. One of the hallmarks of Morris's career was his determina-

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17. The collection was featured in an exhibit at the Boston College Law Library. *A Law Student Collects: Simon Greenleaf and Michael Morales—Spring 2009*, BOSTON COLL. LAW, <http://www.bc.edu/schools/law/library/about/rarebook/exhibitions/greenleaf09.html> (last visited Oct. 28, 2011).

tion to have fun in his work. His Juvenile Jurisprudence Collection sparkles in large part because he had fun creating it. If his collection does nothing other than inspire his colleagues and disciples to have some fun on the job, it will have been worth the effort.